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AT&T Legal Department - Moazzam

Attn: Patent Docketing

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EXAMINER

LY, NGHI H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-6 and 37-50 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 11/134,680 (or Pub. No. 2005/0207550 A1) (White et al) in view of Koch et al (US 6,668,049).

Regarding claims 1-6 and 37-50, White teaches a method of displaying contact information in real time about a caller, the method comprising: receiving information from the caller via a wireless device (see claims 1-36), communicating the information to at least one computing device external to the wireless device (see claims 1-36), locating the contact information for the caller in a contact database of either the external

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computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller (see claims 1-36), and displaying the contact information for the caller on a display of the external computing device (see claims 1-36).

White does not specifically disclose communicating to the caller via the wireless device a message containing a callee's information.

Koch teaches communicating to the caller via the wireless device a message containing a callee's information (see column 1, lines 17-40, see "called party's whereabouts" and it reads on applicant's "callee's information").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Koch into the system of White in order to let the caller know where is the called party (see Koch, column 1, lines 17-40).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 44, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (US 6,693,897) in view of Koch et al (US 6,668,049).

Regarding claim 44, Huang teaches a device comprising: logic to interface with at least one wireless device (see column 5, lines 7-22), logic to in real time during a call receive from the wireless device caller name and phone number information and to locate contact information for the caller in a contact database using at least one of a name (see Abstract and column 2, line 60 to column 3, line 5) and phone number of the caller (see Abstract, column 2, line 60 to column 3, line 5 and column 4, line 63 to column 5, line 6).

Huang does not specifically disclose logic to communicate to the caller via the wireless device a message containing a callee's information.

Koch teaches logic to communicate to the caller via the wireless device a message containing a callee's information (see column 1, lines 17-40, see "called party's whereabouts" and it reads on applicant's "callee's information").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Koch into the system of Huang in order to let the caller know where is the called party (see Koch, column 1, lines 17-40).

Regarding claim 45, Huang teaches logic to display the contact information (see column 5, lines 36-51).

Regarding claim 46, Huang teaches logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Abstract and column 2, line 60 to column 3, line 5).

6. Claims 1-4, 6 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119) and Koch et al (US 6,668,049).

Regarding claims 1 and 37, Cruickshank teaches a method of displaying contact information about a caller, the method comprising: receiving information from the caller via a wireless device (column 8, lines 20-38, see "*mobile telephone*"), communicating the information to at least one computing device external to the wireless device (column

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8, lines 20-38, see “*mobile telephone*” and “*terminal devices 14 and 16*”, and see fig.1, Cruickshank’s “*terminal devices 14 and 16*” read on applicant’s “external computing device”), and locating information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs (see column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Cruickshank does not specifically disclose locating the contact information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller, and displaying the contact information for the caller on a display of the external computing device.

Mobley teaches locating contact information for the caller in a contact database of either the external computing device or of a network to which the external computing device belongs, using at least one of a name and phone number of the caller, and displaying the contact information for the caller on a display of the external computing device (see column 1, lines 30-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mobley into the system of Cruickshank in order to provide a computer system is typically used to receive automatic number identification from the telephone call (see Mobley, column 1, lines 30-32).

The combination of Cruickshank and Mobley does not specifically disclose a method of displaying contact information in real time about a caller.

Zhang teaches a method of displaying contact information in real time about a caller (see column 16, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zhang into the system of Cruickshank and Mobley in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8).

The combination of Cruickshank, Mobley and Zhang does not specifically disclose communicating to the caller via the wireless device a message containing a callee's information.

Koch teaches communicating to the caller via the wireless device a message containing a callee's information (see column 1, lines 17-40, see "called party's whereabouts" and it reads on applicant's "callee's information").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Koch into the system of Cruickshank, Mobley and Zhang in order to let the caller know where is the called party (see Koch, column 1, lines 17-40).

Regarding claim 2, Cruickshank further teaches if the contact information for the caller is not located, the external communicating device creating a new contact record for the caller in the contact database, the new contact record associating the name and phone number of the caller (see column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Regarding claims 3 and 40, Cruickshank further teaches the external computing

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device receiving photo information for the caller from the wireless device (see column 7, lines 56-66), and including the photo information in the new contact record for the caller (see column 7, lines 3-14).

Regarding claims 4 and 41, Cruickshank teaches providing contact information from contact manager logic of the external computing device or of the network to which the external computing device belongs to the wireless device (see column 7, lines 56-66), and communicating the contact information to the wireless device as one of an SMS, EMS, and MMS message (see Abstract, "message").

Regarding claim 6, Cruickshank further teaches providing contact information from contact manager logic of the external computing device or of the network to the wireless device and storing the contact information from the contact manager logic in a memory of the wireless device (see Abstract and column 2, lines 21-27).

Regarding claim 38, the combination of Cruickshank, Mobley and Koch further teaches the external computing device comprising logic to display the contact information (see Mobley, column 1, lines 30-37).

Regarding claim 39, the combination of Cruickshank, Mobley and Koch further teaches the external computing device comprising logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Mobley, column 1, lines 30-37).

Regarding claim 42, Cruickshank further teaches contact manager logic comprising a GUI, and logic to enable dragging and dropping of the contact information

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from the contact manager logic GUI to a GUI for the wireless device displayed by the external computing device (see column 12, lines 8-15).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119), Koch et al (US 6,668,049) and Gerszberg et al (US 6,385,305).

Regarding claim 5, the combination of Cruickshank, Mobley, Zhang and Koch teaches claim 1. The combination of Cruickshank, Mobley, Zhang and Koch does not specifically disclose dragging the contact information from a GUI for the contact manager logic and dropping the contact information into a GUI for wireless device interface logic.

Gerszerg teaches dragging the contact information from a GUI for the contact manager logic and dropping the contact information into a GUI for wireless device interface logic (see column 9, lines 20-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gerszberg into the system of Cruickshank, Mobley, Zhang and Koch in order to provide user-friendly feature for the user.

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8. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US 6,993,119), Koch et al (US 6,668,049) and Official notice.

Regarding claim 43, the combination of Cruickshank, Mobley, Zhang and Koch teaches the external computing device comprising logic to provide the contact information to the wireless device (see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

The combination of Cruickshank, Mobley, Zhang and Koch does not specifically disclose the wireless device comprising logic to store the contact information received from the external computing device. However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to modify the above teaching of Cruickshank, Mobley, Zhang and Koch for providing a method as claimed, for storing the contact information in wireless device.

9. Claims 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (US 6,693,897) in view of Koch et al (US 6,668,049) and Cruickshank et al (US 6,888,927).

Regarding claim 47, the combination of Huang and Koch teaches claim 44. The combination of Huang and Koch does not specifically disclose Cruickshank further teaches the external computing device receiving photo

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information for the caller from the wireless device, and including the photo information in the new contact record for the caller.

Cruickshank further teaches the external computing device receiving photo information for the caller from the wireless device (see column 7, lines 56-66), and including the photo information in the new contact record for the caller (see column 7, lines 3-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cruickshank into the system of Huang and Koch in order to provide an addressee of a stored message with a graphical notification associated with a source of the stored message (see Cruickshank, Abstract).

Regarding claim 48, the combination of Huang, Koch and Cruickshank further teaches providing contact information from contact manager logic of the external computing device or of the network to which the external computing device belongs to the wireless device (see Cruickshank, column 7, lines 56-66), and communicating the contact information to the wireless device as one of an SMS, EMS, and MMS message (see Huang, column 6, lines 19-24).

Regarding claim 49, the combination of Huang, Koch and Cruickshank further teaches contact manager logic comprising a GUI, and logic to enable dragging and dropping of the contact information from the contact manager logic GUI to a GUI for the wireless device displayed by the external computing device (see Cruickshank, column 12, lines 8-15).

Regarding claim 50, the combination of Huang, Koch and Cruickshank further teaches logic to provide the contact information to the wireless device (see Huang, column 5, lines 7-22 and see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Response to Arguments

10. Applicant's arguments with respect to claims 1-6 and 37-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617